

Senator Tipping, Representative Roeder and distinguished members of the Committee on Labor & Housing:

My name is Jane Makela, and I live in Falmouth. I offer this testimony in support of LD 525, An Act to Protect Farm Workers by Allowing Them to Organize for the Purposes of Collective Bargaining.

Agricultural workers are among the workers in Maine (and everywhere else) most in need of labor protection due to harsh working conditions, exposure to toxic chemicals and abuses facilitated by the sometimes-seasonal nature of their work. There was no valid reason for their exclusion from the National Labor Relations Act when originally passed in 1935, and there is no reason for compounding that injustice by excluding those in Maine from collective bargaining and concerted activity now. (Compare, for example, public sector employees also excluded from NLRA coverage but for more than 50 years specifically authorized to engage in collective bargaining in Maine).

Without the right to organize for collective bargaining or even to raise a complaint to an employer on behalf of oneself and one or more other employees without being subject to dismissal for doing so, workers are entirely at the mercy of their employers if they want to keep their jobs. That is simply wrong.

The suggestion that smaller farms will be driven out of business by allowing agricultural workers these basic bargaining rights is unfounded since the same argument could presumably be made by any small employer, especially those whose business is seasonal as agricultural employers sometimes emphasize. Yet the NLRA made no apparent effort to protect either seasonal employers or employers with very small workforces. (Indeed, the most logical explanation for the NLRA excluding agricultural and domestic workers relates to the predominance of black and brown people who worked in those jobs—a legacy we should be going out of our way to erase as quickly as possible).

Finally, the suggestion made by the Governor in vetoing a similar bill in the 130<sup>th</sup> Legislature, that it was so complicated that it would require small farm owners to hire lawyers is likewise without merit. Small business owners are faced with innumerable laws and regulations they must interpret and comply with, and farm owners are no less capable of doing that than any other business owner without a law degree. (Indeed, many of us have homeowner's insurance policies more inscrutable than the language of this bill.)

What it comes down to is fear that giving agricultural workers any power at all is going to affect the cost of our food. The same has no doubt been said about auto workers and the cost of our cars or nurses and the costs of a hospital stay or any number of other occupations and products and services we count on having available and affordable to us. But Congress recognized the greater need to equalize the bargaining power between employers and employees in 1935 to allow for the peaceful resolution of disputes over wages and working conditions and to eliminate

the harmful consequences of employers refusing to bargain with their employees' chosen representatives.

It's time now to close a gap that should never have been left by the NLRA, and that is the rights of agricultural workers. None of our workers, agricultural workers included, should have to forego their right to bargain for the terms and conditions of their employment simply because it would be cheaper or more convenient for the rest of us if they had no such rights.

I urge you to vote Ought to Pass on LD 525.